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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,290	02/27/2002	Chiharu Koshio	107156-00092	5517

4372 7590 12/17/2004

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EXAMINER

PATEL, ASHOK

ART UNIT PAPER NUMBER

2879

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,290

Applicant(s)

KOSHIO ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0103,0703;0104;020.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 29-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 6, 19, 20 and 22 of U.S. Patent No. 6,465,956. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 3, 6, 19, 20 and 22 of U.S. Patent No. 6,465,956 recite applicant's claimed plasma display panel including: a front substrate; a plurality of row electrode pairs; a dielectric layer; a rear substrate; a plurality of column electrodes; and a partition wall assembly as follows:

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<u>U.S. Pat. Application 10/083,290</u>	<u>U.S. Patent 6,465,956</u>
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Claim 29: Plasma display device including: a front substrate; a plurality of row electrode pairs; a dielectric layer; a rear substrate; a plurality of column electrodes; and a partition wall assembly	Claims 6, 22: Plasma display device including: a front substrate; a plurality of row electrode pairs; a dielectric layer; a rear substrate; a plurality of column electrodes; and a partition wall assembly
Claim 30: device of claim 29 further including: a mutual position relationship between first and second row electrodes	Claim 7: device of claim 1 further including: a mutual position relationship between first and second row electrodes
Claim 31: device of claim 29 further including: Plurality of lateral light absorbing straps on inner surface of the front substrate	Claims 9, 10 and 19: device of claim 1 further including: Plurality of lateral light absorbing straps on inner surface of the front substrate
Claim 32: device of claim 29 further including: Protruding portions formed by transparent electrodes	Claim 22: device of claim 1 further including: protruding portions formed by transparent electrodes
Claim 33: device of claim 29 further including: Fluorescent layer formed to cover side faces of the longitudinal partition walls	Claim 3: device of claim 1 further including: fluorescent layer formed to cover side faces of the longitudinal partition walls

3. Claims 29-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, and 6-8 of U.S. Patent No. 6,657,386. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 3-5, and 6-8 of U.S. Patent No. 6,657,386 recite applicant's claimed plasma display panel including: a front substrate; a

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plurality of row electrode pairs; a dielectric layer; a rear substrate; a plurality of column electrodes; and a partition wall assembly as follows.

<u>U.S. Pat. Application 10/083,290</u>	<u>U.S. Patent 6,465,956</u>
Claim 29: Plasma display device including: a front substrate; a plurality of row electrode pairs; a dielectric layer; a rear substrate; a plurality of column electrodes; and a partition wall assembly	Claims 4, 7: Plasma display device including: a front substrate; a plurality of row electrode pairs; a dielectric layer; a rear substrate; a plurality of column electrodes; and a partition wall assembly
Claim 31: device of claim 29 further including: plurality of lateral light absorbing straps on inner surface of the front substrate	Claims 3 and 6: device of claims 1 or 6 further including: Plurality of lateral light absorbing straps on inner surface of the front substrate
Claim 32: device of claim 29 further including: protruding portions formed by transparent electrodes	Claims 5 and 8: device of claim 1 or 6 further including: Protruding portions formed by transparent electrodes

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ashok Patel
Primary Examiner
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